

Serial No. 09/764,679

Docket No. 1232-4673

Amendment and Response dated February 21, 2006

In Response to the Office Action dated November 21, 2005

REMARKS

Claims 4, 8-16 and 18-25 were previously pending in the application. Claims 12-16 are cancelled herein without prejudice. Claims 4, 18 and 21-23 are amended herein. New claim 26 is added. Applicant submits that no new matter has been entered by way of this amendment.

Claims 21-23 have been amended to change back to allowable claims allowed in the Office Action dated June 20, 2005. Claim 24 and 25 remain the same with the claims allowed in the Office Action dated June 20, 2005. Since claims 21-25 presented herein have been allowed by the Examiner, applicant respectfully requests allowance of the claims based on the current amendment.

Applicant has herein amended independent claims 4 and 18 to include the allowable subject matter. Claims 8-11 and 19-20 which depend directly or indirectly from independent claims 4 and 18 are allowable. Claims 12-16 have been canceled. Accordingly, Applicant requests reconsideration of the application in view of the foregoing amendments and the following remarks.

Claim Rejections 35 U.S.C. § 102

Claims 4, 8, 9, 12-15 and 21-25 have been rejected under 35 U.S.C. § 102(b), as allegedly being anticipated by Bloom, US Patent No. 5,982,553.

Amended claim 4, as well as claims 8 and 9 which directly or indirectly dependent therefrom are patentably distinct from the cited reference. The projecting apparatus defined by claim 4 has "a reflection type light modulating element for modulating

Serial No. 09/764,679

Docket No. 1232-4673

Amendment and Response dated February 21, 2006

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light by diffraction, deflection or scattering; a scanning optical system for selectively reflecting a first beam incident into a reflection area of said scanning optical system, scanning a plane to be projected with the reflected first beam, and transmitting a second beam incident into a transmission area of said scanning optical system; and an illuminating optical system including a lens system, for illuminating said reflection type light modulating element with illumination light from a light source, wherein said illuminating optical system illuminates said reflection type light modulating optical element with light which has transmitted through the transmission area of said light scanning optical system, and wherein a reflection type light modulating element side of said lens system is telecentric, and wherein the reflection area includes two of reflection portions, and the transmission area is located between two of the reflection portions.” Applicant respectfully submits that the cited reference does not teach, disclose or suggest at least a reflection area which includes two of reflection portions, and a transmission area is located between two of the reflection portions, as recited in the amended independent claim 4. Therefore, Applicant submits that claim 4, as well as the claims directly or indirectly dependent therefrom, are patentably distinct from the cited reference. Withdrawn of rejections are respectfully requested.

Claims 12-15 are canceled therefore rendering the rejections moot. Withdrawn of rejections on this ground are respectfully requested.

Claim 21 and 25 have been reinstated to the allowable claims allowed in the June 20, 2005 Office Action. Therefore, withdrawn of these rejections are respectfully requested.

Claim Rejections 35 U.S.C. § 103(a)

974894 v1

Serial No. 09/764,679

Docket No. 1232-4673

Amendment and Response dated February 21, 2006

In Response to the Office Action dated November 21, 2005

Claims 10, 11 and 16 have been rejected under 35 U.S.C. § 103(a), as allegedly being unpatentable over Bloom, US Patent No. 5,982,553.

Claims 10, 11 depend indirectly from amended independent claim 4.

Therefore, claims 10, 11 are allowable for similar reasons as stated above. Claim 16 is canceled rendering the rejection moot. Withdrawal of this ground of rejection is respectfully requested.

Claims 18-20 have been rejected under 35 U.S.C. § 103(a), as allegedly being unpatentable over Bloom in view of Macken, US Patent No. 6,078,420. Applicant respectfully traverses the Examiner's rejection.

In Fig. 8 of Bloom, the image modulating element changes the emerging direction of the emerging light in the plane of the sheet of figure, but rotation central axis of the scanning mirror 58 is disposed in the plane of the sheet, i.e., the scanning mirror 58 rotates about the axis in parallel with the plane of the sheet. If the mirror 15 shown in Fig.2 of Macken is combined with the subject matter disclosed by Bloom, it is only replacement of the scanning mirror 58 shown in Fig. 8 of Bloom with the mirror 15 of Macken. This combination is different from that of the present invention, because it fail to teach or suggest at least "a light modulating element which changes, in a predetermined plane, an emerging direction of an emerging light emerged from the light modulating element on the basis of an image signal; and a scanning mirror which has a reflection area for reflecting a part of the emerging light and scanning the display plane with the part of the emerging light, and a transmission area for transmitting another part of the emerging light, and which rotates about an axis perpendicular to the predetermined plane...." as claimed in claim 18. The Bloom and Macken combination fails to disclose or teach feature of the current invention of a

Serial No. 09/764,679

Docket No. 1232-4673

Amendment and Response dated February 21, 2006

In Response to the Office Action dated November 21, 2005

predetermined plane in which the light modulating element changes the emerging direction of the emerging light (e.g., shown in Figs. 1, 2, and 3 of the Drawings), and the rotation central axis of the scanning mirror (5) which is perpendicular to the predetermined plane. Therefore, withdrawn of rejections based on this ground are respectfully requested.

Serial No. 09/764,679

Docket No. 1232-4673

Amendment and Response dated February 21, 2006

In Response to the Office Action dated November 21, 2005

CONCLUSION

It is now believed that all pending claims are in condition for allowance. In view of these remarks, an early and favorable reconsideration is respectfully requested.

AUTHORIZATION

Applicant believes that no fees are necessary for the submission of this Preliminary Amendment or accompanying IDS, however, should any fees be due, the Commissioner is hereby authorized to charge any such fees which may be required for this Preliminary Amendment, or credit any overpayment, to Deposit Account No. 13-4500, Order No. 1232-4673.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,
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